



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/683,179
Confirmation No.: 7982
Application of: Comiskey et al.
Filed: November 29, 2001
Group Art Unit: 2675
Examiner: Nguyen, Chanh Duy

Attorney Docket No.: H-312
Customer No.: 26245

Cambridge, Massachusetts
July 22, 2005

SUPPLEMENTAL RESPONSE TO FINAL REJECTION

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

Applicants are filing herewith a Request for Continued Examination in response to the final Office Action issued January 25, 2005, and to the Advisory Action mailed June 1, 2005. Applicants request that the present Supplemental Response be considered during the continued examination. No further amendments to the specification, claims or drawings are requested.

In the aforementioned Advisory Action, the Examiner argues that the light pipe of Markin is a light valve and does control the transmission of light as required by the present claims. The Examiner draws attention to the passage at column 4, lines 65-68 of Markin reading "at the same time, either the light intensity supplied from pipes 20 or the level of energy supplied to the display cells by strips 17 may be adjusted to control or modulate the intensity of light emitted by the diodes". Accordingly, the Examiner concludes, it is clear that the light pipe of Markin is functioned as the light valve as recited in the claim (i.e., the transmission of light can be adjusted or controlled).

The Examiner further disagrees with applicants' arguments that the source 70 in Markin is not elongate and does not define row of pixels of the display, arguing that since Markin teaches light source (23) shown in Figure 1 being elongated shape, then column 7, lines 46-65 of Markin teaches that "a plurality of light sources individually coupled respectively to the different light pipe (58)". The Examiner further notes that the light pipes (58) are arranged in rows of pixels of the display (40) as shown in Figure 4, and thus argues that the light source of Markin clearly meets the claimed limitation "light sources arranged as a series of elongate rows, each elongate row defining at least one row of pixels of the display" as recited in the claims.

With respect, and as the undersigned attorney attempted to explain in the first paragraph on page 8 of the aforementioned Amendment After Final Rejection, there is an internal inconsistency in the Examiner's arguments. The present claims (and in particular claim 1) require both (a) a plurality of light sources . . . arranged as a series of elongate rows, each elongate row defining at least one row of pixels of the display and (b) light valves disposed between the light sources and the photoconductor and arranged to control transmission of light from the light sources to the photoconductor. The light pipes (58) in Markin must either be part of the light sources or part of the light valves. As the Examiner appears to be conceding in the last paragraph of the Advisory Action, to only structure in Markin which meets section (a) of claim 1 is a combination of the light source 23 and the light pipes 20 associated therewith (or the corresponding structure in Figure 4 of Markin and including the light pipes 58), since only the multiple parallel light pipes 20 or 58 meet the requirement for "a plurality of light sources . . . each . . . defining at least one row of pixels". Applicants essentially agree with this reading of Markin. However, if Markin is read this way, there is no structure in Markin which meets the requirement for "light valves disposed between the light sources and the photoconductor", since there is no *optical* switching device disposed between the light pipes 20 or 58 and the photoconductor; the strips 17 may be electrical switching devices but they are certainly not light valves.

Comiskey et al.
Serial No. 09/683,179
Supplemental Response to Final Rejection
Page 3

Conversely, if the light pipes 58 are, in accordance with the first paragraph of the Examiner's argument, regarded as the light valves required by the present claims, then there is no structure in Markin corresponding to "a plurality of light sources . . . each . . . defining at least one row of pixels".

In this connection, it is respectfully noted that the Examiner has rejected claims 31-37 under 35 USC 102(b), thereby alleging that Markin teaches every aspect of the claimed invention either explicitly or impliedly (cf. MPEP 706.02(IV)). For the foregoing reasons such a 102(b) rejection is unsustainable.

Re-examination of this application in accordance with the enclosed Request and allowance of all claims now present is respectfully requested.

Since the normal period for responding to the Office Action expired April 25, there is filed herewith a Petition for a three month extension of this period. Since applicants paid the fee of \$60 for the first month's extension with the previous Petition for Extension filed May 19, only a fee of \$450 is payable with the enclosed Petition.

Respectfully submitted



David J. Cole
Registration No. 29629

E INK Corporation
733 Concord Avenue
Cambridge MA 02138

Telephone (617) 499-6069
Facsimile (617) 499-6200
E-mail dcole@eink.com